

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE CITY OF NEW YORK, AS  
OWNER AND OPERATOR OF THE  
M/V ANDREW J. BARBERI,

**ORDER**

CV-03-6049 (ERK)(VVP)  
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By letter dated March 18, 2008, Paul Flecker seeks reconsideration of this court's Report and Recommendation dated February 19, 2008, which recommended that his motion for leave to file a late claim in this action be denied. The letter also seeks, in the alternative, additional time to file objections to the Report and Recommendation on the ground that counsel did not receive notice of the filing of the Report and Recommendation.

Motions for reconsideration usually are granted only when the moving party offers controlling decisions or facts that the court had originally overlooked and that might reasonably be expected to alter the court's original decision. *See Shrader v. CSX Transp ., Inc.*, 70 F.3d 255, 257 (2<sup>nd</sup> Cir.1995) (citing *Schonberger v. Serchuk*, 742 F. Supp. 108, 119 (S.D.N.Y.1990). "A movant may not, however, 'advance new facts, issues or arguments not previously presented to the Court,' or 'reargue those issues already considered.'" *Hayles v. Advanced Travel Management Corp.*, No. 01 Civ. 10017 (BSJ), 2004 WL 117597 at \*1 (S.D.N.Y. Jan. 26, 2004) (quoting *Gjoni v. Home Depot Inc.*, 99 Civ. 1849, 2002 WL 91623, \*1 (S.D.N.Y. Jan. 23, 2002)). Courts have adopted this strict standard to prevent litigants from making repetitive arguments on issues that already have been considered by the court or from offering new arguments on a motion the court has already decided. *Id.* These limitations serve to ensure finality and to prevent losing parties from using motions for reconsideration as a vehicle by which they may then plug the gaps of a lost motion with additional matters. *Zoll v. Jordache Enterprises Inc.*, No. 01 Civ. 1339, 2003 WL 1964054, at \*2 (S.D.N.Y. April 24, 2003), *quoting Carolco Pictures, Inc. v. Sirota*, 700 F. Supp. 169, 170 (S.D.N.Y.1988).

The plaintiff's motion for reconsideration offers neither controlling decisions nor facts that the court originally overlooked. Accordingly, it is denied. The application for additional time to file objections, however, is granted. The objections must be filed by April 24, 2008.

**SO ORDERED:**

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
April 10, 2008